EPA Region 6
Federal Clean Air Act
Minor New Source Construction Permit
Title V Operating Permit

for

Gulf Landing Project, Gulf of Mexico
Gulf Landing LLC

Permit No. R6DPA-GM3

United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

AIR POLLUTION CONTROL
TITLE I PERMIT TO CONSTRUCT
TITLE V PERMIT TO OPERATE

Permit Number: R6DPA - GM3
Issue Date:
Effective Date:

Pursuant to the Deepwater Port Act (DPA) and in accordance with the provisions of Title I and Title V of the Federal Clean Air Act (CAA), and applicable pertinent rules and regulations approved or promulgated under the Clean Air Act,

Gulf Landing Project
Gulf Landing LLC
Houston, Harris County, Texas

is authorized to construct and operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to construct and operate at the following location: Approximately 38 nautical miles off the coast of Louisiana in the Gulf of Mexico.

Latitude: 29° 13' 16.5" N
Longitude: 93° 16' 27.3" W

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced CAA provisions and EPA and Louisiana regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act. If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit. The permit number cited above should be referenced in future correspondence regarding this facility.

Carl E. Edlund, P.E.
Director
Multimedia Planning and Permitting Division (6PD)
United States Environmental Protection Agency, Region 6

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Abbreviations and Acronyms

AR	Acid Rain
ARP	Acid Rain Program
CAA	Clean Air Act [42 U.S.C. section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEM	Continuous Emission Monitor
COM	Continuous Opacity Monitor
CFR	Code of Federal Regulations
DPA	Deepwater Port Act
EIP	Economic Incentives Programs
EPA	Environmental Protection Agency
gal	gallon
HAP	Hazardous Air Pollutant
hr	hour
Id. No.	Identification Number
kg	kilogram
LAC	Louisiana Administrative Code
LDEQ	Louisiana Department of Environmental Quality
LNG	liquified natural gas
lb	pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	megagram
mmBtu	million British Thermal Units
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOx	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
PM	Particulate Matter
PM_{10}	Particulate Matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psia	pounds per square inch absolute
RMP	Risk Management Plan
SIP	State Implementation Plan
SNAP	Significant New Alternatives Program
SO_2	Sulfur Dioxide
tpy	Tons per Year
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

I. Source Identification and Unit-Specific Information

I.A. General Source Information

Parent Company name:	Gulf Landing LLC
Parent Company Mailing Address:	Gulf Landing LLC 1301 McKinney, Suite 700 Houston, TX 77010
Plant Name:	Gulf Landing Project, Gulf of Mexico
Plant Mailing Address:	Gulf Landing LLC 1301 McKinney, Suite 700 Houston, TX 77010
Plant Location:	Latitude: 29° 13' 16.5" N Longitude: 93° 16' 27.3" W 38 miles offshore from Cameron Parish, Louisiana, Gulf of Mexico
Company Contact:	Matthew Zerafa Gulf Landing HSE Engineering and Regulatory Affairs Lead (713) 301-4641
Responsible Official:	A.Y. Noojin, III President
SIC Code (4 digit, if available):	4491
Other Clean Air Act Permits:	New facility - None issued
Description of Process:	The Gulf Landing Terminal will be a liquefied natural gas (LNG) receiving, storage, and regasification facility located approximately 38 nautical miles offshore of Louisiana in the Gulf of Mexico.

I.B. Source Emission Points

Table 1. Source Emission Points - The following table identifies and describes each emission unit, including process units.

Table 1

Emission Unit Id. No.	Description
TURB01	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 1, 16,400 HP, Utilization limited [1]
TURB02	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 2, 16,000 HP, Utilization limited [1]
TURB03	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 3, 16,400 HP, Utilization limited [1]
HEAT01	Sales Gas Heater, LNG vap. - 20 million MMBtu/hr
EGEN01	Emergency Generator No. 1, LNG vap.- 1100 HP, 2% Utilization [2]
EGEN02	Emergency Generator No. 2 , LNG vap.- 1100 HP, 2% Utilization [2]
FLAR01	Emergency Flare - emergency and pilot usage only
FUG01	Fugitive Emissions

[1] TURB01, TURB02, and TURB03 are subject to an emissions cap and limited to a total annual runtime of 17,712 hours combined.

[2] Emission rates based on a maximum operation of 192 hrs/yr.

Table 2. Insignificant Emission Units - the emission units below meet the State's definition of "insignificant" for Title V purposes.

Table 2

Description
3 Cranes <600 hp diesel - 338 HP each - operate maximum 52 hours/year each
2 Emergency Fire Water Driver - 1100 hp - operate maximum 52 hours/year each
1 Diesel Storage Tank

I.C. Applicable Federal Air Quality Requirements

Table 3. Association of Emissions Units to Applicable Requirements

The following table is a summary of the general types of applicable requirements to which this source is subject and associates these requirements with the specific emissions units. More specific information on the association of requirements to units (applicability) is found in sections II and III of this permit. This table only reflects those emissions units subject to the unit-specific requirements. This table is not designed to define the applicability or non-applicability of any permit shield.

Table 3

Applicable Requirement	Emission Unit Identification Numbers							
	TURB01	**TURB02**	**TURB03**	**HEAT01**	**EGEN01**	**EGEN02**	**FLAR01**	**FUG01**
NSR/PSD Title I	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.	Title I and Louisiana SIP rules approved under 40 CFR Part 51.
NSPS 40 CFR Part 60 Subpart A & Subpart GG	Subpart A 40 CFR § 60.332 (a)(2) & 40 CFR § 60.333(a) & (b)	Subpart A 40 CFR § 60.332 (a)(2) & 40 CFR § 60.333(a) & (b)	Subpart A 40 CFR § 60.332 (a)(2) & 40 CFR § 60.333(a) & (b)	Subpart A	Subpart A	Subpart A	Subpart A	Subpart A
NESHAP, 40 CFR Part 61	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NESHAP / MACT, 40 CFR Part 63	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CAM, 40 CFR Part 64	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Title V	Title V and Louisiana rules approved under 40 CFR Subpart 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR § 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR § 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR § 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR § 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR § 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR § 70.6 - Permit Content	Title V and Louisiana rules approved under 40 CFR § 70.6 - Permit Content

II. <u>Requirements for Specific Units</u> - The following emission rates are based on the permittee's projected operation times. Since the source

without physical and operating restrictions would be “major”, the permittee is required to maintain compliance with the following emission rate limits in order to remain a “minor source”.

II.A. Emission Rate Limits

Table 4

Permitted Emissions Listed in Maximum Pounds Per Hour and Tons Per Year												
ID No.	**Description**	**NOx**		**VOC**		**SOx**		**PM 10**		**CO**		Opacity
		lbs/hr	**TPY**	**lbs/hr**	**TPY**	**lbs/hr**	**TPY**	**lbs/hr**	**TPY**	**lbs/hr**	**TPY**	**Not Greater Than**
TURB01	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 1, 16,400 HP, Utilization limited [1]	14.5	63.5	0.5	2.2	0.6	2.4	6.8	29.7	17.7	77.3	20 % Average
TURB02	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 2, 16,000 HP, Utilization limited [1]	14.5	63.5	0.5	2.2	0.6	2.4	6.8	29.7	17.7	77.3	20% Average
TURB03	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 3, 16,400 HP, Utilization limited [1]	14.5	1.4	0.5	0.1	0.6	0.1	6.8	0.7	17.7	1.7	20% Average
CAP01	**Turbine Emissions Cap**	**43.5**	**128.4**	**1.5**	**4.5**	**1.8**	**4.9**	**20.4**	**60.1**	**53.1**	**156.3**	**20% Average**
HEAT01	Sales Gas Heater - Natural Gas	1.9	8.3	0.1	0.5	0.01	0.1	0.1	0.6	1.6	7.0	20% Average
EGEN01	Emergency Generator No. 1- 1100 HP, 2% Utilization [2]	26.7	2.6	0.8	0.1	3.6	0.3	0.8	0.1	5.8	0.6	20% Average
EGEN02	Emergency Generator No. 2 - 1100 HP, 2% Utilization [2]	26.7	2.6	0.8	0.1	3.6	0.3	0.8	0.1	5.8	0.6	20% Average
FLAR01	Emergency Flare - pilot and emergency usage only	11.9	1.1	10.1	1.0	0.01	0.01	0.0	0.0	64.8	6.2	20% Average
FUG01	Fugitive Emissions	0.0	0.0	10.0	43.8	0.0	0.0	0.0	0.0	0.0	0.0	20% Average
Totals	**All Other Emission Units**	**67.2**	**14.6**	**21.8**	**45.5**	**7.22**	**0.71**	**1.7**	**0.8**	**78.0**	**14.4**	**20% Average**

Permitted Emissions Listed in Maximum Pounds Per Hour and Tons Per Year (Continued)												
ID No.	Description	NOx		VOC		SOx		PM10		CO		Opacity
		lb/hr	TPY	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY	lb/hr	TPY	Not Greater Than
Totals	**All Emission Units**	**110.7**	**143.0**	**23.3**	**50.0**	**9.02**	**5.6**	**22.1**	**60.9**	**131.1**	**170.7**	**20% Avg.**

[1] TURB01, TURB02, and TURB03 are subject to an emissions cap and limited to a total annual runtime of 17,712 hours combined. Permittee must show compliance with the turbine emissions cap for NOx, SOx, VOC, PM10, CO, and HAPs.

[2] Emission rates based on a maximum operation of 192 hrs/yr.

II.B. Work Practice and Operational Requirements

The permittee must keep records of the maintenance activities performed at the source and make them available for review. Such records must be sufficient to establish the level of maintenance performed and may be maintained at either the field location or at the permittee's nearest regularly manned facility. These records must be maintained for a period of at least five (5) years from the date of the engine replacement.

II.C. General Provisions of NSPS [See 40 CFR Part 60]

(a) The permittee is subject to the requirements of 40 CFR Part 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, as it applies to the source for such conditions as emission units, emission limits testing, monitoring conditions, recordkeeping and reporting, and facility wide operating conditions.

(i) The permittee must comply with NOx standards utilizing the equation specified in 40 CFR Part 60.332(a)(2) and reproduced below:

$$STD = 0.0150 \times [(14.4)/Y] + F$$

where: STD = allowable NOx emissions (% by volume at 15% oxygen and on a dry basis).
Y = manufacturer's rated heat rate at manufacturer's rated peak load (kilojoules per watt hour), or actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y may not exceed 14.4 kilojoules per watt hour.
F = NOx emission allowance for fuel-bound nitrogen as defined in 40 CFR Part 60.332(3).

(ii) The permittee must maintain SO_2 emissions at less than 0.015 percent by volume at 15% oxygen on dry basis [40 CFR Part 60.333(a)].

(iii) The permittee may only burn fuel with sulfur content less than 0.8% by weight [(40 CFR Part 60.333(b)].

(b) The permittee is subject to the requirements of 40 CFR Part 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984, as it applies to the source for such conditions as emission units, emission limits testing, equipment standards, equipment testing and monitoring, monitoring conditions, recordkeeping and reporting, and facility wide operating conditions.

(i) The permittee must keep copies of all records for at least two years, for the following insignificant units identified in the permit application: One diesel storage tank [849.82m^3 (224,500gal)]. The records must be kept readily

accessible and show the storage vessel dimensions and an analysis showing the storage vessel capacities.

II.D. General Requirements for Air Conditioning Appliances [See 40 CFR Part 82]

The following requirements apply to any air conditioning appliances at the source ("appliance" as defined in 40 CFR 82.152) that contain Class I or Class II refrigerants, and in an amount less than 50 pounds:

(a) The permittee must comply with the applicable standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:

(b) Persons opening appliances for maintenance, service, repair, or disposal must comply with the applicable required practices pursuant to 40 CFR 82.156.

(c) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the applicable standards for recycling and recovery equipment pursuant to 40 CFR 82.158.

(d) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

(e) Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR 82.166(i) ("MVAC-like appliance" as defined at 40 CFR 82.152).

(f) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR 82.156.

(g) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

(h) If the permittee manufactures, transforms, destroys, imports, or exports a Class I or Class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.

(i) If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart

B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

(j) The permittee may be allowed to switch from any ozone-depleting substance to any acceptable alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR part 82, subpart G.

III. Facility-Wide Permit Requirements

(a) Conditions in this section of the permit apply to all emissions units located at the facility, including any units not specifically listed in Table 1 of Section I.B. Compliance must be determined, at a minimum, on a 12-month rolling sum basis. This requirement means that each month the emissions of the current month plus the 11 previous months are summed. The permittee is required to keep records of the emissions for each month as well as the calculation of the 12-month rolling total of emissions for each month.

(b) The amount of natural gas burned in emission units TURB01, TURB02, and TURB03 may not exceed the following at the maximum heat input of 164 million British thermal units/hour (MM BTU/hr):

TURB01 - 3.74 million standard cubic feet/year (MMSCF/yr);
TURB02 - 3.74 MMSCF/yr; and
TURB03 - 0.0821 MMSCF/yr.

(c) The amount of natural gas burned in emission units HEAT01 may not exceed the following at the maximum heat input of 20 MM BTU/hr:

HEAT01 - 0.457 MMSCF/year.

(d) The amount of diesel burned in emission units EGEN01, EGEN02 may not exceed the following at the maximum heat input of 145,000 BTU/gal at 0.4% weight sulfur:

EGEN-01 - 2,763 gal/year; and
EGEN-02 - 2,763 gal/year.

(e) The amount of natural gas burned in emission unit FLAR01 may not exceed the following at the maximum heat input of 175 MM BTU/hr:

TURB01 - 0.0876 MMSCF/year.

III.A. Permit Shield

(a) Nothing in this permit alters or affects the following:

(i) The liability of a permittee for any violation of applicable requirements before or

at the time of permit issuance;

(ii) The ability of EPA to obtain information under section 114 of the Clean Air Act; or

(iii) The provisions of section 303 of the Clean Air Act (emergency orders), including the authority of the Administrator under that section.

(b) Compliance with conditions of this permit will be deemed compliance with any applicable requirements specifically identified in the permit as of the date of permit issuance.

III.B. Monitoring and Testing Requirements

(a)

Table 5

Monitoring Requirements					
ID No.	**Description**	**Sulfur content of fuel**	**Nitrogen content of fuel**	**SO2**	**NOx**
TURB01	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 1, 16,400 HP, 100% Utilization [1]	Natural Gas; max. sulfur content 0.00033%	Values recorded daily - Use analytical methods and procedures that are accurate to within 5% and are approved by EPA to determine the nitrogen content of the fuel being fired. For sources that do not seek to use the fuel-bound nitrogen credit, sampling to determine daily fuel nitrogen is not required[3]	This unit is restricted to the use of natural gas only as indicated in the permit application. Sulfur sampling is unnecessary for fuels that qualify as natural gas[4]	40 CFR Part 60.335(c)(1) $NOx=[NOxo][Pr/Po]^{0.5}e^{19(Ho-0.00633)}(288^{o}K/Ta)^{1.53}$ - See Note Testing in accordance with 40 CFR § 60.8 and 40 CFR § 60.335(b).
TURB02	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 2, 16,400 HP, 100% Utilization [1]	Natural Gas; max. sulfur content 0.00033%	Values recorded daily - Use analytical methods and procedures that are accurate to within 5% and are approved by EPA to determine the nitrogen content of the fuel being fired. For sources that do not seek to use the fuel-bound nitrogen credit, sampling to determine daily fuel nitrogen is not required[3]	This unit is restricted to the use of natural gas only as indicated in the permit application. Sulfur sampling is unnecessary for fuels that qualify as natural gas[4]	40 CFR Part 60.335(c)(1) $NOx=[NOxo][Pr/Po]^{0.5}e^{19(Ho-0.00633)}(288^{o}K/Ta)^{1.53}$ - See Note Testing in accordance with 40 CFR § 60.8 and 40 CFR § 60.335(b).

Monitoring Requirements					
ID No.	**Description**	**Sulfur content of fuel**	**Nitrogen content of fuel**	**SO2**	**NOx**
TURB03	SOLAR Titan 130 - 19501S Axial, Low NOx Turbine No. 3, 16,400 HP, 2% Utilization [1]	Natural Gas; max. sulfur content 0.00033%	Values recorded daily - Use analytical methods and procedures that are accurate to within 5% and are approved by EPA to determine the nitrogen content of the fuel being fired. For sources that do not seek to use the fuel-bound nitrogen credit, sampling to determine daily fuel nitrogen is not required[3]	This unit is restricted to the use of natural gas only as indicated in the permit application. Sulfur sampling is unnecessary for fuels that qualify as natural gas[4]	40 CFR Part 60.335(c)(1) $NOx=[NOxo][Pr/Po]^{0.5}e^{19(Ho-0.00633)}(288^{o}K/Ta)^{1.53}$ - See Note Testing in accordance with 40 CFR § 60.8 and 40 CFR § 60.335(b).
HEAT01	Sales Gas Heater - Natural Gas	Limited to Natural Gas; max. sulfur content 0.00033%	N/A	This unit is restricted to the use of natural gas only as indicated in the permit application. Follow test methods and procedures from 40 CFR Part 60, Appendix A	Follow test methods and procedures from 40 CFR Part 60, Appendix A
EGEN01	Emergency Generator No. 1- 1100 HP, 2% Utilization [2]	Diesel; max. sulfur content 0.4%	N/A	No burning of fuel which contains sulfur in excess of 0.4% by weight. Follow test methods and procedures from 40 CFR Part 60, Appendix A	Follow test methods and procedures from 40 CFR Part 60, Appendix A
EGEN02	Emergency Generator No. 2 - 1100 HP, 2% Utilization [2]	Diesel; max. sulfur content 0.4%	N/A	No burning of fuel which contains sulfur in excess of 0.4% by weight. Follow test methods and procedures from 40 CFR Part 60, Appendix A	Follow test methods and procedures from 40 CFR Part 60, Appendix A

Monitoring Requirements					
ID No.	**Description**	**Sulfur content of fuel**	**Nitrogen content of fuel**	**SO2**	**NOx**
FLAR01	Emergency Flare	Vaporized or boil-off gas; max. sulfur content 0.00033%	N/A	No burning of fuel which contains sulfur in excess of 0.00033% by weight. Follow test methods and procedures from 40 CFR Part 60, Appendix A	Follow test methods and procedures from 40 CFR Part 60, Appendix A

[1] TURB01, TURB02, and TURB03 are subject to an emissions cap and limited to a total annual runtime of 17,712 hours combined. Permittee must show compliance with the turbine emissions cap for NOx, SOx, VOC, PM10, CO and HAPs.

[2] Emission rates based on a maximum operation of 192 hrs/yr.

[3] 40 CFR 60 Subpart GG was amended July 8th, 2004 (Federal Register, Vol. 69, No. 130). Sources are required to monitor the nitrogen content of the fuel being fired in the turbine only if the permittee claims the allowance for fuel-bound nitrogen.

[4] 40 CFR 60 Subpart GG was amended July 8th, 2004. As defined in the final rule (Federal Register, Vol. 69, No. 130), natural gas contains 20 grains or less of total sulfur per 100 standard cubic feet, which equates to about 0.068 weight percent sulfur.

Note: Where -
NOx=emission rate of NOx at 15% O_2 and ISO standard ambient conditions, volume %.
NOxo=observed NOx concentration, ppm by volume.
Pr=reference combustor inlet absolute pressure at 101.3kilopascals ambient pressure, mm Hg
Po=observed combustor inlet absolute pressure at test, mm Hg.
Ho=observed humidity of ambient air, g H_2O/g air.
e=transcendental constant, 2.718.
Ta=ambient temperature ^oK.

(b) Monitoring requirements for the following NAAQS pollutants, PM10, SO_2, NO_x, CO and VOC, are as follows. The permittee must comply with all applicable requirements listed in Tables 1, 2, 3, 4 and 5. Failure to comply with any of the applicable requirements or compliance monitoring devices, activities, or methods listed in Tables 1, 2, 3, 4, and 5 will represent a violation of this permit.

(i) The permittee must demonstrate compliance with the opacity and PM10 emission limits of this permit by visually inspecting Emission Units TURB01, TURB02, TURB03, HEAT01, EGEN01, EGEN02, and FLAR01 for visible emissions on a weekly basis. If visible emissions are detected, then as soon as possible but not later than one hour after detection, the permittee must conduct a six-minute opacity reading in accordance with EPA Reference Method 9. Records of visible emission checks must include the emission point ID number, the date the visual check was performed, a record if visible emissions were detected, and a record and results of any Method 9 testing conducted. These records must be kept on site and available for inspection.

(ii) The permittee must demonstrate compliance with the SO_2 and NO_X limits of this permit by performing stack tests once per year on Emission Units TURB01, TURB02, TURB03, HEAT01, and FLAR01. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR Part 60 and 40 CFR Part 60 Appendix A, must be used:

(A) NO_X and SO_2 by methods and procedures specified by 40 CFR 60.48a(f) and 60.335(c) (Methods 19 and 20).

(iii) The permittee must demonstrate compliance with PM10 by performing an initial stack test on Emission Units TURB01, TURB02, TURB03, EGEN01, EGEN02, HEAT01, and FLAR01. The following test methods and procedures must be used:

(A) PM10 by Method 201 of 40 CFR Part 51, Appendix M -- Determination of PM10 emissions using exhaust gas recycle procedure (measures total noncondensible PM10);

(B) PM10 by Method 201A of 40 CFR Part 51, Appendix M -- Determination of PM10 emissions using constant sampling rate procedure (measures total noncondensible PM10);

(C) PM10 by Method 202 of 40 CFR Part 52, Appendix M -- Determination of Condensible Particulate Emissions from Stationary Sources (measures total condensible PM10).

(iv) The permittee must demonstrate compliance with the opacity limits of this permit once per year on Emission Units TURB01, TURB02, TURB03, HEAT01, and FLAR01. These tests must be repeated after each major overhaul. The following test method and procedure from New Source Performance Standards, 40 CFR 60, Appendix A, must be used:

(A) Opacity by Method 9 - Visual Determination of Opacity of Emissions from Stationary Sources.

(v) The permittee must demonstrate compliance with the CO and VOC emission limits of this permit, as applicable, by performing stack tests once per year on Emission Units TURB01, TURB02, TURB03, HEAT01, and FLAR01. These stack tests must be repeated after each major overhaul. The following test methods and procedures from New Source Performance Standards, 40 CFR Part 60, Appendix A, must be used:

(A) Carbon Monoxide by Method 10 - Determination of Carbon Monoxide Emissions from Stationary Sources;

(B) VOC by Method 25A - Determination of Total Gaseous Organic Concentration using a Flame Ionization Analyzer.

III.C. <u>Performance Testing Requirements</u> [40 CFR 60.8]

The permittee must comply with the following performance testing requirements:

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, performance tests(s) must be conducted and a written report of the performance testing results furnished to EPA. In accordance with 40 CFR Subpart 60.335, the owner or operator must use as reference methods and procedures the test methods in Appendix A of Part 60. In addition, performance testing must be conducted following any revision/renewal of this permit.

(b) Performance tests must be conducted and data reduced in accordance with the test methods and procedures contained in 40 CFR Part 60, Subpart GG; specifically the standard for nitrogen oxides, 40 CFR Subpart 60.332 and the standard for sulfur dioxide, 40 CFR Subpart 60.333.

(c) Performance tests must be conducted under such conditions to ensure representative performance of the affected facility. The owner or operator must make available to EPA such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction will not constitute

representative conditions for the purpose of a performance test nor will emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission unit.

(d) The owner or operator must provide EPA at least 30 days' prior notice of any performance test, except as specified under other subparts, to afford EPA the opportunity to have an observer present and/or to attend a pre-test meeting. If there is a delay in the original test date, the facility must provide at least 7 days prior notice of the rescheduled date of the performance test.

(e) The owner or operator must provide, or cause to be provided, performance testing facilities as follows:

(i) Sampling ports adequate for test methods applicable to this facility.

(ii) Safe sampling platform(s).

(iii) Safe access to sampling platform(s).

(iv) Utilities for sampling and testing equipment.

(v) Unless otherwise specified in the applicable subpart, each performance test must consist of three separate runs using the applicable test method. Each run must be conducted for the time and under the conditions specified in the applicable standard. For purposes of determining compliance with an applicable standard, the arithmetic mean of the results of the three runs will apply.

III.D. Recordkeeping Requirements

(a) The permittee must comply with the following generally applicable recordkeeping requirements for significant units TURB01, TURB02, TURB03, HEAT01, EGEN01, EGEN02, and FLAR01. The permittee must keep records of required monitoring information that include the following:

(i) The date, place, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and

(vi) The operating conditions as existing at the time of sampling or measurement.

(b) The permittee must retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application for all significant units. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

(c) The permittee must keep records on all repair and maintenance activities performed on all emission units. These records must identify the relevant emission unit and describe the work performed.

(d) The fuel flow/consumption for each emission units TURB01, TURB02, TURB03, HEAT01, EGEN01, EGEN02, and FLAR01 must be recorded on a monthly basis.

(e) The records of fuel consumption must be maintained for emission units TURB01, TURB02, TURB03, HEAT01, EGEN01, EGEN02, and FLAR01.

(f) The permittee must keep copies of all records for at least two years, for the following insignificant units identified in the permit application: One diesel storage tank [849.82m^3 (224,500gal)]. The records must be kept readily accessible and show the storage vessel dimensions and an analysis showing the storage vessel capacities.

(g) The permittee must keep records of the serial numbers for each emission unit and submit that information to EPA as the equipment is purchased. A change in serial numbers should also be reflected in the report submitted to EPA.

(h) The owner/operator of any storage facility must maintain records to verify compliance with or exemption from LAC 33:III.2103. The records must be maintained for at least two years and will include the following:

(i) The date and reason for any maintenance and repair of the applicable control devices and the estimated quantity and duration of volatile organic compound emissions during such activities.

(ii) The results of any testing conducted in accordance with the provisions specified in LAC 33:III.2103.H.

(iii) Records of the type(s) of VOC stored and the average monthly true vapor pressure of the stored liquid for any storage vessel with an external floating roof that is exempt from the requirements for a secondary seal and is used to store VOCs with a true vapor pressure greater than 1.0 psia.

III.E. Reporting Requirements

(a) The permittee must submit to the EPA Regional Office all reports of any required monitoring under this permit every six months following the anniversary of permit issuance. Reports required include 1. Fuel flow/consumption records showing monthly and yearly average of fuel usage; and 2. Repair and maintenance records of the emission units identified in the permit.

Reports must also include repair and maintenance records of the emission units identified in the permit. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Section IV.F.(a) of this permit. See Reporting Form "SIXMON" found on EPA website at: http://www.epa.gov/air/oaqps/permits/p71forms.html]

"Deviation," means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping. For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

(i) A situation where emissions exceed an emission limitation or standard;

(ii) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;

(iii) A situation in which observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit; or

(iv) A situation in which an exceedance or an excursion, as defined in 40 CFR Part 64 occurs.

(v) The permittee must promptly report to the EPA Regional Office deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows:

(A) Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or

(B) Where the underlying applicable requirement fails to address the time frame

for reporting deviations, reports of deviations will be submitted based on the following schedule:

(1) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence;

(2) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours;

(3) For all other deviations from permit requirements, the report must be submitted with the semi-annual monitoring report required in paragraph (a) of this section.

A written notice, certified consistent with Section IV.F. of this permit must be submitted within 10 working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under paragraph (a) of this section. EPA has developed a form "PDR" for prompt deviation reporting. The form may be found on EPA website at: http://www.epa.gov/air/oaqps/permits/p71forms.html]

(b) If for any reason the permittee does not comply with, or will not be able to comply with, the emission limitations specified in this permit, the permittee must provide the U.S. EPA Region 6, Air Enforcement Section, with a written report as specified below.

(i) A written report must be submitted within 7 days of any emission in excess of permit requirements by an amount greater than the Reportable Quantity established for that pollutant in LAC 33.I.Chapter 39.

(ii) A written report must be submitted within 7 days of the initial occurrence of any emission in excess of permit requirements, regardless of the amount, where such emission occurs over a period of seven days or longer.

(iii) A written report must be submitted quarterly to address all emission limitation exceedances not included in paragraphs 1 or 2 above. The schedule for submittal of quarterly reports may be no later than the dates specified below for any emission limitation exceedances occurring during the corresponding specified calendar quarter:

(A) Report by June 30 to cover January through March
(B) Report by September 30 to cover April through June

(C) Report by December 31 to cover July through September
(D) Report by March 31 to cover October through December

(iv) Each report submitted in accordance with this condition must contain the following information:

(A) Description of noncomplying emission(s);
(B) Cause of noncompliance;
(C) Anticipated time the noncompliance is expected to continue, or if corrected, the duration of the period of noncompliance;
(D) Steps taken by the permittee to reduce and eliminate the noncomplying emissions; and
(E) Steps taken by the permittee to prevent recurrences of the noncomplying emissions.

(c) The permittee must provide EPA with a schedule containing dates/times when the vessels carrying LNG will be docking at the terminal to offload the LNG. This information must be included with the semi-annual report the permittee submits to the EPA reporting any required monitoring under this permit, which is to be submitted every six months following the anniversary of permit issuance. Any change to the schedule submitted with the semi-annual report must be provided to the EPA Regional office no later than 30 days before the earlier of the scheduled or actual date of arrival at the terminal.

III.F. <u>LDEQ Environmental Regulatory Code (LAC Title 33, Part III</u>)

(a) Chapter 5, Section 503 - Minor Source Permit Requirements - The owner or operator of each source of air contaminants to which this Chapter applies must comply with the general duty to operate in accordance with a permit established in LAC 33:III.501.

(b) Chapter 5, Section 504 - Nonattainment New Source Review Procedures - After consideration of the attainment status of the adjacent coastal areas and analysis of other relevant factors, EPA has determined that this section is not applicable to this facility.

(c) Chapter 5, Section 507 - Part 70 Operating Permits Program - Any *major source* as defined in LAC 33:III.502 of this chapter must obtain a Part 70 Operating Permit. This source is a major source of air pollutants, and therefore must comply with this Section.

(d) Chapter 5, Section 509 - Prevention of Significant Deterioration - This source does not meet the definition of *major stationary source* found in LAC 33:III.509, and therefore is not required to comply with the requirements of this section.

(e) Chapter 9, Section 913 - New Sources to Provide Sampling Ports - New sources must provide necessary sampling ports in stacks or ducts and such other safe and proper sampling

and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

(f) Chapter 9, Section 915.D - Emission Monitoring Requirements, Exemptions - Exemption from the requirement in 915.A is hereby granted to any source which is subject to a NSPS standard promulgated in 40 CFR Part 60. This source is subject to 40 CFR Part 60 Subpart GG, and therefore the provisions of this section do not apply.

(g) Chapter 9, Section 921 - Stack Heights - This source will not seek credit for any control associated with utilizing a stack which exceeds good engineering practice (GEP) stack height as defined in LAC 33:III.921.A.

(h) Chapter 9, Section 929 - Violation of Emission Regulations Cannot be Authorized - This permit does not authorize Gulf Landing to cause or contribute to the violation of an NAAQS or emission standard included in LAC 33.III.

(i) Chapter 11, Section 1101.B. - Control of Air Pollution from Smoke - The emission of smoke from any combustion unit (other than a flare) must be controlled so that the shade or appearance of the emission is not darker than 20% average opacity as to obscure vision to a degree equivalent; except during the cleaning of a fire box or building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal or rapping of precipitators, which may have an opacity in excess of 20% or not more than one six-minute period in any 60 consecutive minutes as determined by approvable methods in 40 CFR Part 60, Appendix A.

(j) Chapter 11, Section 1105.A. - Smoke from Flaring - The emission of smoke from a flare or other similar device used for burning in connection with pressure valve releases for control over process upsets must be controlled so that the shade or an appearance of the emission does not exceed 20 percent opacity for a combined total of six hours in any 10 consecutive days.

(k) Chapter 13, Section 1311.C. - Emission Standards for Particulate Matter - The emission of particulate matter must be controlled so that the shade or appearance of the emission is not denser than 20% average opacity; except emissions may have an average opacity in excess of 20% for not more than one six-minute period in any 60 consecutive minutes. (Complies by using natural gas as fuel.)

(l) Chapter 13, Section 1313.C. - Emissions from Fuel Burning Equipment - No person may cause, suffer, allow or permit the emission of particulate matter to the atmosphere from any fuel burning equipment in excess of 0.6 pounds per million BTU of heat input.

(m) Chapter 15, Section 1503 - Emission Limitations - SO2 emitted from this facility will not exceed 2,000 ppm by volume for any three consecutive hour period.

(n) Chapter 15, Section 1511 - Continuous Emissions Monitoring - SO2 emissions will not exceed 100 tpy, therefore, continuous emissions monitoring is not required.

(o) Chapter 21, Section 2103.A. - Storage of Volatile Organic Compounds - No person may place, store or hold in any stationary tank, reservoir or other container of more than 250 gallons (950 liters) and up to 40,000 gallons (151,400 liters) nominal capacity any volatile organic compound, having a true vapor pressure of 1.5 psia or greater at storage conditions, unless such tank, reservoir or other container is designed and equipped with a submerged fill pipe or a vapor loss control system or is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere (Applies to the diesel storage tank).

(p) Chapter 21, Section 2103.H. - Storage of Volatile Organic Compounds - True vapor pressure must be determined by ASTM Test Method D323-82 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989 (Applies to the diesel storage tank).

(q) Chapter 21, Section 2103.I.3. thru 5. - Storage of Volatile Organic Compounds - Monitoring/Recordkeeping/Reporting - The owner/operator of any storage facility must maintain records to verify compliance with or exemption from LAC 33:III.2103. Applies to the diesel storage tank. The records must be maintained for at least two years and include the following:

(i) The date and reason for any maintenance and repair of the applicable control devices and the estimated quantity and duration of volatile organic compound emissions during such activities.

(ii) The results of any testing conducted in accordance with the provisions specified in LAC 33:III.2103.H.

(iii) Records of the type(s) of VOC stored and the average monthly true vapor pressure of the stored liquid for any storage vessel with an external floating roof that is exempt from the requirements for a secondary seal and is used to store VOCs with a true vapor pressure greater than 1.0 psia.

(r) Chapter 21, Section 2121.B. thru E - Fugitive Emissions Control - Gulf Landing LLC will comply with the requirements of this section as it pertains to the LNG vaporization unit, and other equipment and emission units, to minimize equipment leaks.

(s) Chapter 22- Control of Emissions of Nitrogen Oxides - After consideration of the attainment status of the adjacent coastal areas and analysis of other relevant factors, EPA has determined that this chapter is not applicable to this facility.

(t) Chapter 29 - Odor Regulations - This source will not emit odorous substances, and therefore is not subject to the provisions in this chapter.

(u) Chapter 51 - Comprehensive Toxic Air Pollutant Emission Control Program - This source will not generate 10 TPY of any one toxic air pollutant (TAP), or 25 TPY of a combination of TAPs. Therefore, this source is not considered a major source as defined in this chapter, and is not subject to its provisions.

IV.A. Annual Fee Payment [Section 502 (b)(3)(C) of the CAA]

(a) The permittee must pay an annual permit fee in accordance with the procedures outlined below.

(b) The permittee must pay the annual permit fee each year. The fee must be received no later than July 20 of each year.

(c) The fee payment must be in United States currency and must be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of EPA.

(d) The permittee must send fee payment and a completed fee filing form to:

EPA Region 6
P. O. Box 360582M
Pittsburgh, PA 15251

(e) The permittee must send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) annually by the same deadline as required for fee payment to the address listed in Section 5.5. of this permit. [Note: that an annual emissions report, required at the same time as the fee calculation worksheet, has been incorporated into the fee calculation worksheet form as a convenience.]

(f) Basis for calculating annual fee:
Multiply the total tons of "actual emissions" of all "regulated pollutants" emitted from the source by the emissions fee (in dollars/ton) in effect at the time of calculation.

"Actual emissions" means: the actual rate of emissions in tons per year of any regulated pollutant (for fee calculation) emitted from the source over the preceding calendar year. Calculate actual emissions by using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

"Regulated pollutants" means: (I) a volatile organic compound; (II) each pollutant regulated under section 7411 or 7412 of the CAA; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except for carbon monoxide). Do not include any amount of regulated pollutant emitted from the source in excess of 4,000 tons per year of that regulated pollutant.

The fee (in dollars/ton) in effect at the time of this permit's date of issuance is $39.61. The fee of $39.61, above, will increase each calendar year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year, and revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 will be used.

For convenience, the permittee may obtain the revised-for-inflation fee (in dollars/ton) from EPA at the address listed in provision IV.F of this permit.

(g) The insignificant quantities of actual emissions not required to be listed or calculated in a permit application will be excluded from the calculation of fees. These include mobile sources, air-conditioning units used for human comfort, ventilating units used for human comfort, heating units used for human comfort, noncommercial food preparation, consumer use of office equipment and products, janitorial services and consumer use of janitorial products and internal combustion engines used for landscaping purposes. In addition, some insignificant activities are exempted because of size or production rate. These emission levels include emission criteria for regulated air pollutants (excluding hazardous air pollutants) and may not exceed 2 tons per year. Exemptions for emission criteria for hazardous air pollutants require that no HAP from any single emissions unit may exceed 1000 lbs per year or the de minimis level established under 112(g) of the Clean Air Act, whichever is less.

(h) Fee calculation worksheets must be certified as to truth, accuracy, and completeness by a responsible official.

(i) The permittee must retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept.

(j) Failure of the permittee to pay fees in a timely manner will subject the permittee to assessment of penalties and interest in accordance with section 502(b)(3)(C)(ii) of the CAA.

(k) EPA will not act on applications for permit renewal or modification if the permittee fails to pay all fees, interest, and penalties owed in full.

(l) When notified by EPA of underpayment of fees, the permittee must remit full payment within 30 days of receipt of notification.

(m) If the permittee thinks that the EPA-assessed fee is in error and wishes to challenge the fee, the permittee must provide a written explanation of the alleged error to EPA along with full payment of the assessed fee.

IV.B. Annual Emissions Inventory

The permittee must submit an annual emissions report of its actual emissions for both criteria pollutants and regulated HAPs for this facility for the preceding calendar year for fee assessment purposes. The annual emissions report must be certified by a responsible official and must be submitted each year to EPA on:

October 1st.

or

April 1. *(for sources who submitted their application between 1/1 and 3/31)*

The annual emissions report must be submitted to EPA at the address listed in provision **IV.F** of this permit.

IV.C. Compliance Requirements

(a) The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) It will not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(c) For the purpose of submitting compliance certifications in accordance with **Section IV.D.** of this permit, or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing precludes the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

(d) Issuance of this permit does not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the Louisiana SIP and any other requirements under local, State or Federal law.

IV.D. Compliance Certifications

The permittee must submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, fuel usage and heat input, annually on the anniversary of the date of issuance of this permit. The compliance certification must be certified as to truth, accuracy, and completeness by a responsible official.

(a) The certification must include the following:

(i) Identification of each permit term or condition that is the basis of the certification.

(ii) Identification of the method(s) or other means used for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the owner or operator also must identify any other material information, e.g., operating hours records, that must be included in the certification, which prohibits knowingly making a false certification or omitting material information.

(iii) The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification must identify each deviation and take it into account in the compliance certification.

(iv) Any other requirements sufficient to assure or determine compliance.

IV.E. Duty to Provide and Supplement Information

(a) The permittee must furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee must also furnish to EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR Part 2, Subpart B.

(b) The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, must promptly submit such supplementary facts or corrected information. In addition, a permittee must provide

additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

IV.F. Submissions

Any document required to be submitted by this permit must be certified by a responsible official as to truth, accuracy, and completeness. Such certifications must state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including records, reports, test data, monitoring data, emissions-related data, notifications, and compliance certifications, must be submitted to:

U.S. Environmental Protection Agency
Air Enforcement Section, (6EN-A)
1445 Ross Avenue
Dallas, TX 75202-2733

while the fee calculation worksheets (including the annual emissions worksheet and report), and applications for renewals and permit modifications must be submitted to:

U.S. Environmental Protection Agency
Air Permits Section, (6PD-R)
1445 Ross Avenue
Dallas, TX 75202-2733

EPA has developed a reporting form "CTAC" for certifying truth, accuracy and completeness. The form may be found on EPA website at: http://www.epa.gov/air/oaqps/permits/p71forms.html] and is also attached to the permit document.

IV.G. Severability Clause

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions will remain valid and in force.

IV.H. Permit Actions

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

IV.I Administrative Permit Amendments

The permittee may request the use of administrative permit amendment procedures for a permit revision that:

(a) Corrects typographical errors;

(b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

(c) Requires more frequent monitoring or reporting by the permittee;

(d) Allows for a change in ownership or operational control of a source where EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA;

(e) Incorporates any other type of change which EPA has determined to be similar to those listed above. [Note to permittee: If subparagraphs (a) through (d) above do not apply, please contact EPA for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision].

IV.J. Minor Permit Modifications

(a) The permittee may request the use of minor permit modification procedures only for those modifications that:

(i) Do not violate any applicable requirement;

(ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

(iii) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(iv) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(A) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I; and

(B) An alternative emissions limit approved pursuant to regulations promulgated

under section 112(i)(5) of the Clean Air Act;

(v) Are not modifications under any provision of Title I of the Clean Air Act; and

(vi) Are not required to be processed as a significant modification.

(b) Notwithstanding the list of changes ineligible for minor permit modification procedures in paragraph (a) above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

(c) An application requesting the use of minor permit modification procedures must meet the requirements including the following:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(ii) The source's suggested draft permit;

(iii) Certification by a responsible official, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(iv) Completed forms for the permitting authority to use to notify affected States.

(d) The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(e) The permit shield may not extend to minor permit modifications.

IV.K. Significant Permit Modifications

(a) The permittee must request the use of significant permit modification procedures for those modifications that:

(i) Do not qualify as minor permit modifications or as administrative amendments;

(ii) Are significant changes in existing monitoring permit terms or conditions; or

(iii) Are relaxations of reporting or recordkeeping permit terms or conditions.

(b) Nothing in this section IV.K. may be construed to preclude the permittee from making changes consistent with applicable legal requirements that would render existing permit compliance terms and conditions irrelevant.

(c) Permittees must meet all requirements for applications, public participation, and review by affected states and tribes for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required for permit issuance and renewal, but only that information that is related to the proposed change.

IV.L. Reopening for Cause

(a) The permit may be reopened and revised prior to expiration under any of the following circumstances:

(i) Additional applicable requirements under the CAA become applicable to a major source with a remaining permit term of 3 or more years. Such a reopening must be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended;

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by EPA, excess emissions offset plans will be deemed to be incorporated into the permit;

(iii) EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or

(iv) EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

IV.M. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

IV.N. Inspection and Entry

Upon presentation of credentials and other documents as may be required by law, the permittee must allow EPA or an authorized representative to perform the following:

(a) Enter upon the permittee's premises where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(d) As authorized by the Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(e) The permittee must provide EPA with a schedule containing dates/times when the vessels carrying LNG will be docking at the terminal to offload the LNG. This information must be included with the semi-annual report the permittee submits to EPA reporting any required monitoring under this permit that is to be submitted every six months following the anniversary of permit issuance. Any change to the schedule submitted with the semi-annual report must be provided to the EPA Regional office no later than 30 days before the earlier of the scheduled or actual date of arrival at the terminal.

IV.O. Emergency Provisions

(a) In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee must demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

(ii) The permitted facility was at the time being properly operated;

(iii) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

(iv) The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of Section II.F.(b) of this permit, concerning prompt notification of deviations.

(b) In any enforcement proceeding, the permittee attempting to establish the occurrence of an emergency has the burden of proof.

(c) An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

IV.P. Transfer of Ownership or Operation

In the event of any change in ownership of the facility described in this permit, the permittee and the succeeding owner must notify EPA at the submission address found in Section IV.F., within ninety (90) days after the event, to amend this permit.

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

IV.Q. Off Permit Changes

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

(a) Each change is addressed or not prohibited by this permit;

(b) Each change must comply with all applicable requirements and may not violate any existing permit term or condition;

(c) Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the CAA;

(d) The permittee must provide contemporaneous written notice to EPA of each change, except

for changes that qualify as insignificant activities. The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;

(e) The permit shield does not apply to changes made under this provision;

(f) The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

IV.R. Permit Expiration and Renewal

(a) This permit expires five years from the date of its issuance.

(b) Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months (180 days), but not more than 18 months, prior to the expiration of this permit.

(c) If the permittee submits a timely and complete permit application for renewal, but the permitting authority has failed to issue or deny the renewal permit, then the permit will not expire until the renewal permit has been issued or denied and any permit shield granted may extend beyond the original permit term until renewal. Operation may continue under the conditions of this permit during the period of review of the application for renewal.

(d) The permittee's failure to have a permit, where timely and complete application for renewal was submitted, is not a violation of this part until EPA takes final action on the permit renewal application. This protection will cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

(e) Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.

(f) The application for renewal must include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

IV.S. Compliance Schedule and Progress Reports

(a) At the time of permit issuance, the facility will not be constructed. Construction and testing of the facilities is estimated to take approximately 3 - 5 years from the construction start to the in-service date. The permittee is targeting an in-service date of January 2009. The

terminal will have an expected service life of at least 30 years.

(i) This permit will become invalid, for the sources not constructed, if:

(A) Construction is not commenced, or binding agreements or contractual obligations to undertake a program of construction of the project are not entered into, within two (2) years after issuance of this permit, or;

(B) If construction is discontinued for a period of two (2) years or more.

The administrative authority may extend this time period upon a satisfactory showing that an extension is justified.

This provision does not apply to the time period between construction of the approved phases of a phased construction project. However, each phase must commence construction within two (2) years of its projected and approved commencement.

(ii) The permittee will notify EPA within 90 days that construction of the facility has begun.

(iii) The permittee must complete construction within a reasonable time frame.

(iv) The permittee must notify EPA within ten (10) calendar days from the date that construction is certified as complete and the estimated start-up of operation. Within 180 days after operations commence, the permittee must notify EPA that it is in compliance with all applicable permit requirements.

(b) For applicable requirements with which the source will be in compliance upon operation start-up, the source will comply with such requirements. For applicable requirements that will become effective during the permit term, the source must meet such requirements on a timely basis.

(c) The permittee must submit progress reports consistent with this schedule of compliance at least once every 6 months from the date of issue of this permit. Such progress reports must be certified and contain the following:

(i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and

(ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

V. Additional Requirements to be Implemented in Future Activities Under the Permit

In the Deepwater Port licensing process for the Gulf Landing Facility, the Coast Guard and Maritime Administration (MARAD) have assumed lead agency responsibilities for consulting with other Federal and State agencies under various Federal laws protecting the environment, natural resources, and cultural resources, including the Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Coastal Zone Management Act, and National Historic Preservation Act. The Coast Guard and MARAD have generally integrated the analysis and consultation required under these statutes with the National Environmental Policy Act review of the project in accordance with 40 C.F.R. § 1502.25.

In June 2004 the Coast Guard/MARAD issued a draft environmental impact statement (EIS) including preliminary consultation documents and findings regarding the project's anticipated impacts. On December 3, 2004, the Coast Guard/MARAD issued a final EIS, on which EPA and other federal agencies filed comments. The Coast Guard and MARAD then supplemented the final EIS with an errata sheet and revised Appendix G made publicly available on February 10, 2005. See 70 Fed. Reg. 7115. Further, on February 16, 2005, the Administrator of MARAD issued a Record of Decision on the Gulf Landing deepwater port license application. The EIS and supplemental materials and the ROD describe the interagency consultations conducted in the course of the NEPA process.

The NEPA analysis and related consultations reflected in these documents addressed the at-sea installation and construction/operation of the deepwater port; it did not include the onshore construction of the port gravity-based structures. EPA noted in comments to the Coast Guard that the permit required under the Clean Air Act for construction and operation of the terminal cannot be issued until after full completion of consultation under the crosscutting environmental and resource management statutes. For future deepwater port projects, the Coast Guard has committed to incorporate review of all related activities into one NEPA analysis. See EIS Errata sheet noticed at 70 Fed. Reg. 7115 (Feb. 10, 2005).

EPA expects that the project-wide scope of the combined NEPA process and related consultations, once they are completed, will be broad enough to include consideration of effects that might be attributed to EPA's permit action, and EPA is thus relying on them for compliance with the federal laws at issue. Final issuance of this permit will, however, depend on satisfactory completion of the consultation process in connection with the onshore construction component of the port project.

None of the consultations completed to date has identified significant issues related to air quality (except that the preferred NOAA Fisheries closed-loop alternative would have altered the air emissions of the project and probably required submission of a revised air permit application). Nor have the consultations resulted in any conclusion by the Coast Guard/MARAD that the project would result in unacceptable environmental impacts. Additional information regarding consultations under the Endangered Species Act and Magnuson-Stevens Fishery Conservation and

Management Act follows:

(a) **Endangered Species Act.** The project's potential effects on threatened and endangered species are evaluated in the final EIS, which discusses the consultation process at Section 4.2.3 and Appendix C. The Coast Guard/MARAD received comments from the U.S. Fish and Wildlife Service in letters dated April 19, 2004, and June 2, 2004, regarding potential impacts on endangered and threatened species under its jurisdiction. NOAA Fisheries provided its ESA consultation comments in a letter dated December 30, 2004. Based on these consultations and other relevant information, the EIS concluded that "impacts associated with the proposed Port are not expected to be significant."

(b) **Magnuson-Stevens Fishery Conservation and Management Act.** The Coast Guard/MARAD received comments from NOAA Fisheries in a letter dated August 4, 2004, to the effect that the project is expected to "have significant direct and cumulative impacts on marine fishery resources." See also NOAA Fisheries letter of April 12, 2004. NOAA Fisheries requested that the Coast Guard and MARAD identify measures to be required to avoid, mitigate, or offset the adverse impacts of the proposed activity. The EIS documents and discusses the results of consultations to that point. See EIS section 4.2.4. Further discussions followed the final EIS, including comments on it by NOAA Fisheries (in a letter dated January 3, 2005) and other discussions between the agencies. In those discussions, NOAA Fisheries recommended the use of a closed-loop system to address potential impacts on marine life, but USCG/MARAD concluded that "the calculated impacts, while adverse, are not significant, and therefore do not require directing the applicant to redesign its proposed system." Letter from Mark Prescott, USCG, to Miles Croom, NOAA (Feb. 7, 2005). As described in the ROD, "MARAD, the USCG, NOAA, our parent organizations, and other interest[ed] government agencies have engaged in lengthy discussions under the sponsorship of the White House Council on Environmental Quality (CEQ) in order to assure both minimal impact on essential fish habitat and the development of a successful deepwater port." ROD at 16. Based on its consultation with NOAA Fisheries, the Coast Guard/MARAD has required certain mitigation measures as conditions of the deepwater port license. Letter from Mark Prescott to Miles Croom (Feb. 7, 2005). The Administrator of MARAD concluded that these measures would "assure a minimal adverse impact to the nation's fisheries." ROD at 16.

Appendix A.1.

Federally Listed Threatened and/or Endangered Species Off the Coast of Louisiana

SPECIES	GROUP	STATUS
Bald Eagle	Bird	Threatened
West Indian Manatee	Mammal	Endangered
Piping Plover	Bird	Threatened/Endangered*
Brown Pelican	Bird	Endangered
Gulf Sturgeon	Fish	Threatened
Green Sea Turtle	Reptile	Threatened
Hawksbill Sea Turtle	Reptile	Endangered
Kemp's Ridley Sea Turtle	Reptile	Endangered
Leatherback Sea Turtle	Reptile	Endangered
Loggerhead Sea Turtle	Reptile	Threatened
Smalltooth Sawfish	Fish	Endangered

* The Great Lakes population of the Piping Plover is listed as Endangered. The Louisiana population is listed as Threatened. However, during the winter months, the Great Lakes population nests in the Gulf Coast Region.